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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,496	09/29/2000	Andy Debecker	U 012967-6	1770

7590 03/14/2002

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New York, NY 10023

EXAMINER

MEREK, JOSEPH C

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/675,496

Applicant(s)  
Debecker et al

Examiner  
Joe Merek

Art Unit  
3727



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 29, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy.

Regarding claim 1, the fibers are loaded in their longitudinal direction. Regarding claims 3 and 4, the shape of the container is isotenoid and may or may not have a cylindrical side wall.

Regarding claims 9-14, the container will withstand zero pressure as required by the claims.

Regarding claims 15-18, there is no structure that is required by that claims that is not in the reference. Regarding claim 19, the appendage is item 12 as seen in Fig. 1. Regarding claims 20 and 21, Murphy does not teach the use of a matrix for the winding.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Kepler et al. Regarding claims 7 and 8, Murphy teaches a plastic inner liner for the wound pressure vessel but does not teach the use of High density Polyethylene for the liner. Kepler et al, as seen in Col. 3, lines 18-20, teaches use of polyethylene for the inner liner of a wound pressure vessel. It would have been obvious to employ the polyethylene of Kepler et al in the vessel of Murphy to provide an proven material for the liner. See the claims of Murphy where glass or carbon fibers are used for the filaments.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy. Regarding claim 22, Murphy does not teach the use of a mold for manufacturing the pressure vessel. Official notice is taken that it is well known to use molds to produce plastic components. It would have been obvious to employ a mold to produce the inner container of Murphy to provide a convenient and rapid way to produce the inner containers.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Reinhart, Jr. Regarding claims 5 and 6, Murphy does not teach the protective coating or the synthetic rubber. Reinhart, Jr. as seen in Fig. 3, teaches covering the wound layer with an elastomeric coating. It would have been obvious to employ the elastomeric of Reinhart, Jr. in the container of Murphy to protect the winding layer.

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***Conclusion***

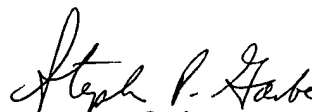
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosato, Bramblett II, et al, Wentz, Seal et al, Greist,III et al, and Courtney are all cited for teaching wound pressure vessels. GB 703,811 is cited for teaching a wrapped vessel without a matrix.

8. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses in Office Actions directly into the Group at (703) 305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Merek whose telephone number is (703) 305-0644.

Joe Merek/jm

March 11, 2002

  
**Stephen P. Garbe**  
**Primary Examiner**